

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

LONE STAR TECHNOLOGICAL  
INNOVATIONS, LLC,

Plaintiff,

v.

ASUSTEK COMPUTER, INC.,

Defendants.

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Civil Action No. 6:19-cv-00059-RWS

LEAD CASE

**COVID-19 ADDENDUM TO PROTECTIVE ORDER**

Before the Court is the parties' Joint Motion for Protective Order Addendum seeking to modify the Protective Order (Docket No. 40) to provide a method for remote source code review in light of the COVID-19 pandemic. Docket No. 110. Finding good cause and agreement among the parties, the motion is **GRANTED**. It is

**ORDERED** that this COVID-19 Addendum to the Protective Order shall be effective upon entry and shall continue in effect until the in-person inspection regime of the Protective Order can be reinstated or November 10, 2020, whichever is sooner.

While this COVID-19 Addendum to the Protective Order is in effect, Paragraph 10 of the Protective Order (Docket No. 40), in this action is hereby modified as follows:

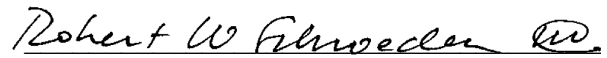
Unless otherwise agreed to by the producing Party and the receiving Party, the following provisions apply:

- (a) Remote Source code review may be accomplished in at least one of two ways. First, the producing Party and the receiving Party may agree on terms to effectuate the provisioning of source code for review remotely over a secured Internet connection (*i.e.* VPN) to allow the receiving Party to conduct a remote source code review. Alternatively, access to a Party's Source Code Material shall be provided only on a single "stand-alone" computer (the "Source Code Computer"). The Source Code Computer may not be connected to any network, including a local area network ("LAN"), an intranet, or the Internet. All network and USB ports and wireless transmitters shall be disabled and the Source Code Computer shall not be connected to a printer in any way. The Source Code Computer may be encrypted and/or protected by two-factor authentication. The Source Code Computer will be shipped (via hand carry, Federal Express, or other similarly reliable courier) by the producing Party to a single location mutually agreed upon by the Parties, which may include the primary residence of the receiving Party's Outside Consultant that has signed the Revised Undertaking Form (Appendix A). The Source Code Computer may not be removed from said single location, except to be returned to Defendant via hand carry, Federal Express, or other similarly reliable courier. The Source Computer shall be returned to Defendant within ten (10) days of the expiration of the COVID-19 Addendum to the Protective Order.
- (b) The receiving Party shall make reasonable efforts to restrict its requests for access to the Source Code Computer to normal business hours, which for purposes of this paragraph shall be 8:00 a.m. through 6:00 p.m. Pacific Time on weekdays, upon five (5) business days' notice. However, upon reasonable notice from the receiving party, the producing Party shall make reasonable efforts to accommodate the receiving Party's request for access to the Source Code Computer outside of normal business hours. At each scheduled date and time for inspection, the producing Party shall provide the receiving Party's representative reviewing the Source Code (the "Reviewer") a time-varying passcode to allow access to the Source Code Computer. At the end of inspection, the Reviewer shall log out and shutdown the Source Code Computer and is not permitted to access the Source Code Computer outside of agreed-upon times. The receiving Party shall allow the producing Party to initiate a video conferencing session with the Reviewer, to visually monitor the activities of the Reviewer during the review, but only to ensure that no unauthorized electronic records of the Source Code are being created or transmitted in any way. A webcam for the videoconference may be positioned in a manner that avoids revealing any work product by the Reviewer. The Reviewer shall not copy, remove, or otherwise transfer any Source Code Material from the Source Code Computer including, without limitation, copying, removing, or transferring the Source Code Material onto any recordable media or recording device. The Reviewer shall be permitted to take notes relating to the Source Code Material but may not copy the Source Code Material, or any portion of the Source Code Material, into the notes.

- (c) The producing Party shall take reasonable efforts to provide the receiving Party and its consultant/expert with information explaining how to start, log on to, and operate the Source Code Computer in order to access the produced Source Code Material on the Source Code Computer, including by providing the time-varying passcode during the scheduled inspection;
- (d) [NO CHANGE]
- (e) [NO CHANGE]
- (f) [NO CHANGE]
- (g) [NO CHANGE]
- (h) The receiving Party shall be permitted to make a reasonable number of printouts and photocopies of Source Code Material, all of which shall be designated and clearly labeled “RESTRICTED CONFIDENTIAL SOURCE CODE,” and the receiving Party shall maintain a log of all such files that are printed or photocopied. To request printouts of Source Code Material, the receiving Party shall identify to the producing Party by file name and line number the requested files to be printed. The producing Party will prepare paper copies of the requested printouts and send the paper copies to an agreed-upon address pursuant to Paragraph 10(k) within ten (10) business days. Alternatively, the producing Party may provide secured electronic files of the requested source code.
- (i) [NO CHANGE]
- (j) [NO CHANGE]
- (k) [NO CHANGE]
- (l) [NO CHANGE]
- (m) Unless the producing Party provides secured electronic files of the source code to the receiving Party, should a receiving Party wish to use any printouts of Source Code designated as “RESTRICTED CONFIDENTIAL SOURCE CODE” at a deposition during the scope of the COVID-19 Addendum, the receiving Party must notify the producing Party in writing at least five (5) calendar days before the date of the deposition identifying by Bates production number the specific page(s) that the receiving Party intends to actually mark at the deposition. The producing Party will then make printed copies of the identified Bates page(s) available to the receiving Party prior to the deposition by providing printed copies to the examining attorney to be marked at the deposition. Copies of Source Code designated as “RESTRICTED CONFIDENTIAL SOURCE CODE” that are marked as deposition exhibits must not be provided to the court reporter or attached to deposition transcripts; rather the deposition record will identify such an exhibit by its production numbers. All printouts of Source Code designated as “RESTRICTED CONFIDENTIAL SOURCE CODE” used during a deposition must be destroyed by the receiving Party at the conclusion of the deposition.

All terms of the Protective Order remain in full effect to the extent they are not expressly modified in this COVID-19 Addendum to the Protective Order.

**So ORDERED and SIGNED this 24th day of August, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE